

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**MA-NA-PE-XOO-NU-GA CLEVELAND,**

**Defendant.**

**8:09CR184**

## ORDER

This matter is before the court on the government's motion to continue trial (Doc. 45) pending the receipt of DNA testing results from the FBI Laboratory. Both parties need the DNA results, and the defendant concurs with and joins in the motion. For good cause shown,

**IT IS ORDERED** that the motion (Doc. 45) is granted, as follows:

1. The jury trial now set for September 1, 2009 is continued to **September 15, 2009.**

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **September 1, 2009 and September 15, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

**DATED August 20, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**